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ABSTRACT

This overview of law-focused education in the United States traces the legal education movement from 1962 to the present and discusses the functions and advantages of legal programs. Current efforts to revitalize legal instruction are the result of the ineffectiveness of past teaching approaches, a growing legal consciousness in the average adult, and the involvement of the legal profession in promoting legal literacy. Organizations formed to meet these challenges include the National Assembly on Teaching the Principles of the Bill of Rights, the Constitutional Rights Foundation, the Law in American Society Project, and the American Bar Association's Special Committee on Youth Education for Citizenship. As a result, the number of law related programs, teaching materials, and teacher institutes has increased dramatically. An interdisciplinary approach, experiential learning, and teacher education efforts are common to all of these programs. Areas covered in secondary level courses include consumer law, criminal law, drug use and abuse, school law, plea bargaining, and recidivism. Students are involved in simulated trials, court visits, values clarification exercises, legal research, and legal brief writing. The major strength of law focused programs is that by focusing on the real and the current, they provide considerable motivational value. Lists of nationwide legal education projects, examples of these projects, and types of funding for current projects are provided. (KC)

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A RESEARCH PAPER

on

THE STATUS OF LAW-FOCUSED EDUCATION IN THE UNITED STATES

1978 - 1979

by

Deanna M. Morrison

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THE STATUS OF LAW-FOCUSED EDUCATION IN THE UNITED STATES

Law relates to us in a very personal way from the moment of birth to the moment of death, as well as everything in between. To be born, legally, we must have a birth certificate. To be legally dead there must be a death certificate. With the advent of the abortion controversy, test-tube babies, drugs causing harm to the unborn fetus and the like, the law even affects us before we are born. With the realization of teachers, school boards, state education departments, publishing companies and the public at large of the all pervasive affects of the law in our lives has come an exciting curriculum development in the social sciences, nationwide. Education's response to helping young people deal with the law in their lives and function as "legally literate" citizens has been the law-focused education movement of the 1960's and 1970's.

Teaching about the law is nothing new. There has been some form of "legal education" since ancient times. What is new is the transformation from the traditionally lifeless and superficial instruction about our legal and governmental systems to challenging, systematic learning experiences dealing with the affects and uses of law in our everyday lives. Law-focused education programs run on a spectrum from those concentrating on practical aspects of the law, such as how to read a contract or what to do when you're arrested to programs with a jurisprudential or conceptual focus, such as how to reconcile the need for effective law enforcement and the right to privacy. Most law-focused education programs include elements from both ends of the spectrum.

Norman Gross, Staff Director of the American Bar Association Special Committee on Youth Education for Citizenship has identified three reasons for the widespread efforts now going on to revitalize instruction about the law.[1] First, students in traditional civics and American government classes have been alienated both by method of learning, rote memorization, and content, platitudes about the ideal rather than the actual. According to the National Assessment of Educational Progress Report of February 2, 1978, the ability to explain the basic concept of democracy declined twelve percentage points for seventeen year olds (86% to 74%) and eleven percentage points for thirteen year olds (53% to 42%) from 1970 to 1976. Second, there is a growing legal consciousness in the average adult. Americans have been awakened to the pervasive influence of the law by the consumer, environmental, and women's rights movements and controversial Supreme Court decisions. There is increasing public reliance on the courts to address important social, economic and political issues. Controversy over the American involvement in Vietnam and the Watergate scandal increased public interest in the law. Education has been involved directly in the legal awakening by such issues as integration, student rights and equality of opportunity of the sexes in athletics. Third, the legal profession has become actively involved in promoting legal literacy among the citizenry.

Isidore Starr, professor emeritus, Queens College, describes the origins of the legal education movement in greater detail.[2]

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[1] Norman Gross, "Law-Related Education: Current Trends, Future Directions," Peabody Journal of Education (October 1977): 2.

[2] Isidore Starr, "The Law Studies Movement: A Memoir," Peabody Journal of Education (October 1977): 7-11.

Although there were individual and isolated efforts by educators, including Dr. Starr himself, to introduce law studies into the classroom as early as the 1930's, 1962 is cited by Dr. Starr as a crucial beginning point. In 1962 Minna Post Peyser, director of school projects for the Civil Liberties Educational Foundation suggested to the National Council for the Social Studies that they join forces to develope a program for improving the teaching of the Bill of Rights. Together, through a workshop involving teachers and consultants, they produced, "A Program for Improving Bill of Rights Teaching In High Schools." Also in 1962, Justice William Brennan of the U.S. Supreme Court, in a speech to the NCSS, endorsed the Bill of Rights orientation to law-related education and encouraged teachers to transform rote memorization instruction in civil liberties to the study of landmark judicial rulings.

In 1963 Minna Post Peyser took further actions to keep the idea of law-focused education alive. The Civil Liberties Educational Foundation became the National Assembly on Teaching the Principles of the Bill of Rights. The National Council for the Social Studies, the American Political Science Association, the Association of American Law Schools and the Los Angeles Civil Liberties Foundation supported the idea. Membership in the Assembly read like a who's who is law and education including Supreme Court Justices Douglas and Brennan, six circuit judges, presidents of six universities, deans of four law schools, deans of four schools of education, numerous professors in law, political science, history, philosophy, education and civic leaders. Between 1963 and 1964 the Assembly initiated workshops, institutes or courses on the Bill of Rights at seven universities around the country, including the University of Colorado.

In 1963 twenty-three teachers met at the Lincoln-Filene Center at Tufts University to participate in a workshop on Teaching the Declaration of Independence and Bill of Rights in the junior high schools. This workshop was a direct result of the Assembly's influence. It became the prototype for teacher institutes in law-related education during the 1960's.

All the efforts in law-focused education on the east coast touched the Pacific Coast in 1963 with the formation of the Constitutional Rights Foundation in Los Angeles by Vivian Monroe. Under persuasion of the Foundation, the California State Board of Education established a Bill of Rights Project. This project produced "The Bill of Rights - A Source Book for Teachers."

In 1966 The Law in American Society Project was organized in Chicago, a joint venture by the Chicago Bar Association and the Chicago School Board. The result was a number of teacher institutes and publications, which brought important gains in the recognition for law studies in the curriculum. The American Bar Association's Special Committee on Youth Education for Citizenship was created in Chicago in 1971. This set the stage for partnerships between bar associations and school boards, between lawyers and teachers to create law studies units and courses.

As a result of all these efforts, the number of law-related programs has grown from around 100 in 1971 to over 300 in 1978. There were few law-related teaching materials in 1971; there are over 1500 items today. Seven summer teacher institutes were conducted in 1971. Sixty-five institutes were held in the summer of 1977. According to the ABA Directory of Law-Focused Education Projects, 1978, every state in the United States has some activity in progress in law-focused

education, although three are just in the beginning stages. Some states such as California, Illinois, Missouri and New York, have massive statewide programs, K-12. Chart number one shows the number of projects currently existing in each state and the types of persons being served by these projects. The heaviest emphasis on law-focused education is seen to occur in the secondary schools, although many states have projects for kindergarten through twelfth grade. Chart number two shows the general types of projects in existence and where they are occuring. It is interesting to note how many states have carried their law-focused education projects from the public schools into the colleges and communities. Some states, such as California and Washington, even extend their programs to prison inmates in their states.

Law-focused education classes vary widely from state to state, from program to program and from teacher to teacher. There are, however, certain common denominators. First, all recognize the law's substantive and educational value. The potential for promoting critical thinking, clarification of divergent values, inquiry skills and illumination of such disciplines as political science, history, sociology, philosophy and economics through law-focused education is enormous. Second, law-focused education programs are interdisciplinary by nature. They combine the efforts of lawyers and educators with civil and criminal justice officials and community leaders. They involve students in a variety of participatory and field experiences. Third, most programs involve comprehensive teacher education efforts.

Areas typically covered in a law-focused education class at the secondary level include: consumer law, criminal law, juvenile law, the judiciary, Constitutional rights, the penal system, tort law, probate

law, drug use and abuse, marriage and divorce, school law, law enforcement and controversial issues such as plea bargaining and recidivism. The degree of emphasis on a particular area is frequently determined jointly by students, teachers and community needs. Methods used in law-focused education classes depart from the traditional rote memorization and playback on tests to such things as simulated trials, visits to courts, prisons, crime labs, meeting with lawyers, judges and policemen, studying landmark Supreme Court cases, values clarification exercises, doing legal research and writing legal briefs. Almost all programs emphasize a greater individualization of study and greater involvement in experiential activities.

Financing of law-focused education projects shows the broad base of concern, interest and support for the concept. Chart number three shows the sources of funding for the projects currently in existence. Financing comes from national, state and local sources, governmental, business, community and private citizens. According to Charles White in Update on Law-Related Education, there are a variety of funding sources available for states, school districts and teachers wishing to initiate new projects or continue funding existing ones.[3] Mr. White notes that the U.S. Office of Education under Title IV-C has funds available for programs involving consumer education, environmental education, women's educational equity, the gifted and talented and community education.

A closer look at the specific programs of three states, New York, Missouri and Colorado, gives a more detailed idea of how law-focused education projects come into existence and how they function. In the

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[3] Charles White, "How to Find Money for Your Program," Update on Law-related Education, Fall 1977, pp. 32-33.

case of New York, specific attention to law-focused education began in 1971, when the State Department of Education brought teachers together to create curriculum guides. Two teaching guides were created, one for teaching basic legal concepts in junior high and one for senior high. These two guides were made available to all New York teachers and anyone else who was interested. In 1974 the New York State Bar and the New York State Education Department joined forces to create a statewide law-related education project. Out of this project came four major regional projects (Buffalo, Rochester, Syracuse, New York City) and twelve local projects. Numerous classroom materials were created, including The Mock Trial Manual and Law and the Courts.[4] The N.Y. Project offers teacher training institutes and workshops and all kinds of consultation help. Financing is shared by the State Education Department and the State Bar Association with help from the federal government under Title IV-C. According to the ABA Directory of Law-Focused Education Projects, 1978, New York now has thirty-five programs in progress for students, K-12, college, teachers and community. Clearly, New York has gone in for law-focused education in a big way.

The Missouri program took a giant leap forward in 1969 with the creation of the Missouri Bar Advisory Committee on Citizenship Education. The committee is a combined effort of the Missouri Bar and the Missouri Department of Elementary and Secondary Education and is composed of lawyers and educators. The committee created an extensive, in-depth statewide law-related education program called "The Rights and Responsibilities of Citizenship in a Free Society," involving all levels from kindergarten to college.[5] Missouri places great importance on

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[4] "New York Project Offers Help Across State," Update on Law-Related Education, Fall 1977, p. 47.

[5] E.A. Richter and Keith Birkes, "Rights and Responsibilities of Citizenship in a Free Society- Missouri's Law-Related Education Program," Peabody Journal of Education (October 1977): 19.

the proper training of teachers. Consequently over 3500 Missouri teachers have completed a graduate level course in law-related education designed to provide them with the knowledge and expertise necessary to handle law-related subject matter at all grade levels, K-12. A complete law-related curriculum has been developed and a comprehensive curriculum guide for grades K-12 has been published. All materials have been classroom tested. The Missouri Program includes nine topics: Why the Law?, How the Law Developes, How the Law Works, The Court System, Major Supreme Court Decisions and Their Impact on U.S. History, the Philosophy and Procedures of the Juvenile Court, Due Process of Law, the Bill of Rights in Criminal Cases and the Bill of Rights and Individual Civil Liberties. The Missouri Bar has accepted the responsibility for raising funds for the project. Most of their funds have come from LEAA and the Danforth Foundation. The State Department of Education handles the curriculum development and implementation. This cooperative effort is considered the main source of strength and key to the success of the Missouri Program.

The Colorado Legal Education Program (CLEP), 1974 - 1978, is a combined effort of the Colorado Division of Criminal Justice, the State of Colorado and the Colorado Bar Association. Together they provide an annual budget of $55,000 for a statewide program of training for teams of educators from the state's school districts. This training generally takes place at the Social Studies Consortium in Boulder. Under the direction of Mary Jane Turner, Project Coordinator, so far 549 teachers from 200 schools in 38 districts have received law-focused education training. This has brought law-focused education to approximately 40,300 students in Colorado. The major emphasis in the Colorado Program has been grades seven to nine. However, elementary and senior

high teachers have also been involved in creating programs at their respective levels. Denver and Meeker School Districts have law-focused education in grades K-12. CLEP also collects law-related materials for use by teachers and disseminates materials to involved teachers. Legal education programs in Colorado are written district by district rather than as a statewide program as in New York or Missouri.

The strengths of law-focused education can be summarized as follows:

1. it provides a better way (from the point of view of students and teachers) to teach citizenship
2. it enables students to cope with law-related problems
3. it developes analytical skills in confronting value conflicts
4. it assists in probing moral and ethical dilemmas
5. it focuses on the real and current
6. it provides an opportunity to probe current controversial issues
7. it assists in the understanding of other subjects such as history, political science, sociology, philosophy and economics
8. it offers numerous experiential activities and opportunities for creativity
9. it utilizes reading, writing and speaking skills and thereby reinforces their development
10. it has considerable motivational value.

I would particularly like to address the first and tenth points above. After having taught both a "traditional" government course and a legal education course, the former for ten years, the latter for five years, it is my experience that law-focused education produces such great interest and motivation in students that there's barely a comparison. Students evidence greater desire to inform themselves about current events, greater desire to become involved and a greater desire to try to influence decision making, particularly in their community, following law-focused education. Interest of students in my school has been so high that we have actually had to turn students away for lack of available space in law classes. Other "law" teachers in Denver have commented to me about the same results.

As in all good things, there are bound to be some problems associated with legal education. Probably the biggest problem is providing adequate preparation for teachers. This can be costly and time consuming. However, nearly every state in the nation is finding funds and teachers are finding the time to acquire this preparation. Another problem is setting up the broad base of support of legal profession, education and community so necessary for the success of legal education programs. Many states have been successful in creating this broad based support. States seeking such support can point to New York, California or Missouri as successful examples to follow. A third problem is financing curriculum projects and finding funds to purchase materials. So far funds have been available for those who have actively sought them. If the economy doesn't drop into a recession, the federal funds should be available for some time.

If preparation of youth for responsible, participatory citizenship is a legitimate function of the secondary schools, and I certainly believe it is, then law-focused education provides an extremely important means to a very desirable end. Although education for citizenship should begin in elementary school, it is the secondary school that bears the major responsibility for achievement of this very important goal of education.

In summation, the law-focused education movement of the 1960's and 1970's has brought an exciting curriculum innovation and change, which provides the secondary school, in particular, with the means to achieve one of its most important goals, education for responsible citizenship. Law-focused education arose out of a widely recognized need of society and of individual learners. It provides the subject matter and the method, appropriate to age and ability of the individual, to meet this need.

Chart #1

Overview of Law-Focused Education Projects*- Nationwide

State	Number of Projects	Persons Served
Alabama	three	Secondary, 8 - 12
Alaska	two	K - 12, Bicultural
Arizona	three	Secondary, Community
Arkansas	two	5th - 12th
California	thirty-four	K - 12, Community, Teachers, College, Administrators, Prison inmates
Colorado	eight	K - 12, College, Teachers, Administrators
Connecticut	four	K - 12
Delaware	three	8th - 12th
District of Columbia	four	Secondary, College, Prison Inmates
Florida	nine	8th - 12th
Georgia	four	5th - 12th, Teachers
Hawaii	two	Secondary, Community
Idaho	one - beginning	
Illinois	nineteen	K - 12, College, Teachers, Community
Indiana	eight	K - 12, College
Iowa	three	K - 12
Kansas	two	K - 12
Kentucky	two	9th Grade
Louisiana	three	Secondary, Mentally Retarded Adults
Maine	four	K - 12, Adults, Community, Teachers
Maryland	three	K - 12, Teachers
Massachusetts	twelve	K - 12, College
Michigan	eleven	K - 12, Teachers
Minnesota	six	5 - 12, Teachers
Mississippi	one - beginning	
Missouri	nine	5 - 12, Teachers
Montana	one - beginning	
Nebraska	three	K - 12
Nevada	one	Teachers Working on Advanced Degrees in Education
New Hampshire	three	K - 12
New Jersey	two	9 - 12, Teachers
New Mexico	one	7 - 12
New York	thirty-five	K - 12, Community, College, Adult-Professional, Teachers
North Carolina	seven	3 - 12
North Dakota	three	K - 12
Ohio	twelve	K - 12, College, Teachers
Oklahoma	four	K - 12, College
Oregon	four	K - 12
Pennsylvania	twenty-one	K - 12, Teachers
Rhode Island	three	Secondary
South Carolina	five	Secondary
South Dakota	one	K - 12, Teachers
Tennessee	four	11th - 12th
Texas	eight	4 - 12th
Utah	three	K - 12
Vermont	six	7 - 12th
Virginia	six	K - 12

Chart #1 Continued

State	Number of Projects	Persons Served
Washington	four	K - 12, College, Teachers, Prison Inmates
West Virginia	one	Resource center
Wisconsin	eight	K - 12
Wyoming	one	K - 12

* Project = more than one teacher involved, part of a school-wide program or under administration of identified coordinator (omits all individual teacher programs)
from ABA Directory of Law-Focused Education Projects, 1978

Chart #2

Major Types of Law-Focused Education Projects
(Selected Examples)

Type of Project	Title(s)	States Involved
Classroom Activities Classroom Units Special Activities Courses Court Tour Programs Student Internships	Wide Range of Titles K - 12	forty-six states
Community Legal Education Projects	Chicago Public Education Project	Chicago, Illinois
	Chicago Education on Law and Justice	
	The Police and the Public	Bangor, Maine
	Community Legal Education Project	Hempstead, New York
National Consulting Programs (Teacher inservices, materials, curriculum development, technical assistance)	Law, Education and Participation (LEAP)	Los Angeles, California
	Law in a Free Society (LIFS)	Santa Monica, California
	Constitutional Rights Foundation	Los Angeles, California
	National Street Law Institute	Washington, D.C.
	Law in American Society Foundation	Chicago, Illinois
	ABA Special Committee on Youth Education for Citizenship	Chicago, Illinois
	Institute for Political/Legal Education (IPLE)	Sewell, New Jersey
	Law in Action National Office	St. Louis, Missouri
Specific Programs for Teachers Training in Legal Education	Variety of titles (noteable titles: Lincoln-Filene Center Law Program, Missouri Statewide Teacher Ed. Program. Correctional Service for Minn.)	Massachusetts, Georgia, Indiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, Penn., Washington
Programs for College Students (undergrad., graduate, teacher-focused, nonteacher-focused)	Washington Center for Learning Alternatives	Washington, D.C.
	variety of other titles	Sangamon State Univ. - Ill. DePauw University - Indiana University of Mass. - Mass. College of Staten Island - N.Y. Univ. of Toledo - Ohio Rutgers University - N.J. Washington State College - Washington

Type of Project	Title(s)	States Involved
Student-Police Relations Improvements	3 R's Project (Regulation Responsibilities, Rapport)	Davis, California
	Police-School Liason Program	Miami, Florida
Programs for Prison Inmates	University of California Street Law Project	California
	Univ. of Wash./Univ. of Puget Sound Street Law Project	Washington
	Community Legal Assistance and Street Law	Washington D.C.
Programs of National Youth Organizations	YMCA Youth and Government Program	all states
	National 4-H Citizenship Program	all states
Unusual Projects:		
Bicultural Legal Ed.	Bicultural Legal Education for Alaska Eskimos and Indians, K-12	Alaska
Interdisciplinary	Student Attorney: A Language Arts Approach	Chico, California
	Presidential Classroom for Young Americans	all states, territories, overseas dependent schools
Media Programs	Prime Time School Television	Chicago, Illinois
Independent Study (16-21 yr. olds seeking high school diploma)	Storefront School, Government and Law Curriculum	Urbana, Illinois
Mentally Handicapped	Law Enforcement Process and the Mentally Retarded Citizen	Lake Charles, La.

Compiled from ABA Directory of Law-Focused Education, 1978

Chart #3

THE FUNDING OF LAW-FOCUSED EDUCATION

Types of Funding Used For Current Law-Focused Education Projects*

Federal	Law Enforcement Assistance Administration LEAA Criminal Justice Planning Agency NDEA Title VI, Title VII ESEA Title II, Title III, Title IV-C HEW Environmental Education Act National Endowment for the Humanities National Science Foundation
National (nongovernmental)	National Legal Services Corporation Ford Foundation Danforth Foundation Rockefeller Foundation Winthrop Foundation Carnegie Foundation Lilly Endowment, Inc. donations by various national corporations
State - governmental	State Departments of Education State Governors' Commissions
nongovernmental	State Bar Associations State Judges' Associations
Local	Individual School Districts County Bar Associations Chambers of Commerce Civic Organizations - Kiwanis, Optimists, Rotarians Community Contributions Police Departments Sheriff's Departments Private Donations Fund Raising Activities

* Compiled from individual project reports in ABA Directory of Law-Focused Education Projects. 1978

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